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ILLEGAL ISRAELI ACTIONS IN
OCCUPIED EAST JERUSALEM AND
THE REST OF THE OCCUPIED
PALESTINIAN TERRITORY

SECURITY COUNCIL
Fifty-second year

Report of the Secretary-General submitted in accordance with General Assembly resolution ES-10/2

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I. INTRODUCTION

1. The present report is submitted pursuant to resolution ES-10/2 adopted on 25 April 1997 by the General Assembly at its tenth emergency special session. Operative paragraph 9 of the resolution reads as follows:

> "9. Requests the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory."

II. CONSULTATIONS WITH ISRAEL AND THE PALESTINIAN AUTHORITY

2. In order to comply with the above request, it was my intention to dispatch a Special Envoy to the area. Accordingly, I instructed the Under-Secretary-General for Political Affairs to contact the Permanent Mission of Israel to discuss the scope of such a mission.

3. In the course of consultations held in early May, the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations and the Under-Secretary-General for Political Affairs discussed steps that might be taken pursuant to resolution ES-10/2. In a letter dated 6 May 1997, the representative of Israel informed me that he had communicated to the Under-Secretary-General Israel's concerns over some of the proposals that his Government found problematic. Those concerns involved the sending of a United Nations representative to the region or the enlistment of United Nations personnel already in the area to assist in the preparation of my report, and the sending of communications to Member States to request reports on the implementation of operative paragraphs 7 and 8 of resolution ES-10/2. At the request of the representative of Israel, and in the light of those concerns, further consultations were held.

4. In a letter dated 8 May 1997 the Under-Secretary-General for Political Affairs informed the Chargé d'affaires a.i. of Israel of my intention to nominate an Envoy to visit the area in question. The Envoy would undertake the monitoring called for in the resolution and report his findings to me. In early June 1997, I met Mr. Yasser Arafat, President of the Palestinian Authority, in Harare on the occasion of the summit of the Organization of African Unity. He expressed support for my proposal to send a Special Envoy to Israel and the occupied territories.

5. On 14 May 1997, I addressed a note verbale to all Member States requesting them to submit by 12 June 1997 any information relevant to the implementation of that resolution. A request for information was also addressed to the Permanent Observer of Palestine to the United Nations.

6. Throughout May and into the first half of June, further consultations were held between the Chargé d'affaires a.i. of Israel and the Under-Secretary-

General for Political Affairs to discuss the terms of reference of the proposed mission. In the course of those consultations the representative of Israel reiterated that a visit should be based on his Government's invitation and not be associated with the General Assembly resolution. While visiting the area, the representative's interlocutors would be exclusively the Government of Israel and the Palestinian Authority. Any views expressed by others whom the representative met on either side should not be reflected in the report of the Secretary-General. Furthermore, if the visit were to take place, the construction of housing in Har Homa (Jebel Abu Ghneim) should be the only issue to be reflected in the report to the General Assembly. Visits to settlements other than Har Homa (Jebel Abu Ghneim) should not take place.

7. In his letter to me of 2 June 1997, the Chargé d'affaires a.i. of Israel stated that the General Assembly resolution had not requested me to send an Envoy to visit the area. Prior to the adoption of the resolution, such a proposal had been deliberately removed from a draft of it, which indicated to him that the sending of an Envoy was not the will of the General Assembly. He added that even though the resolution had not called for the dispatch of an Envoy, and despite the concerns of Israel that such a step could stir up emotions and hinder the peace process, his Government remained prepared to welcome my representative. His Government also offered to place at my disposal, and at that of my representative, all relevant information.

8. In a letter dated 5 June 1997, I informed the Chargé d'affaires a.i. of Israel of my proposal to dispatch to Israel and the occupied territories the Under-Secretary-General for Political Affairs, Mr. Kieran Prendergast, as my Special Envoy. I indicated that the terms of reference for his visit would be to discuss with the Government of Israel any matter which it chose to raise with him and, based on those discussions as well as on consultations with the Palestinian Authority, to provide me with information that would enable me to prepare the report requested by the General Assembly in its resolution ES-10/2. I also stated that the primary focus of both the mission of my Special Envoy and my report would be the construction of housing in Jebel Abu Ghneim/Har Homa. However, I informed him that my Special Envoy would not decline to discuss other topics, should the Government of Israel or his other interlocutors choose to raise them. Similarly, while his principal interlocutors would be the Government of Israel and the Palestinian Authority, my Special Envoy would be ready to meet other parties should they request to see him.

9. In his reply dated 9 June 1997, the Chargé d'affaires a.i. of Israel confirmed that his Government was, in principle, prepared to welcome a representative of the Secretary-General, but that such a visit should not be associated with the resolution adopted by the General Assembly and should only take place after the terms of reference had been agreed upon. His Government's views with regard to the terms of reference, he said, were as stated in the conversations between myself and the Director-General of the Ministry of Foreign Affairs that took place on 16 May and in conversations he had with me and the Under-Secretary-General for Political Affairs and not those reflected in my letter of 5 June 1997. He added that it would be regrettable if the visit of my representative "were to have a negative effect on the current efforts to renew the peace process, and in particular the negotiations between Israel and the Palestinians".

10. In a letter dated 10 June 1997 to the Chargé d'affaires a.i. of Israel, I noted his position that the visit of my Special Envoy should not be associated with the General Assembly resolution. However, I also noted that from my perspective the main purpose of the visit was to lay the ground for the report requested by the General Assembly. Therefore, I added, the restrictions he wished to impose (see para. 6 above) would constrain a visit by my Special Envoy to the point where he could not adequately carry out the task of assisting me in preparing my report. I expressed my hope that the visit could take place on the basis set out in my letter of 5 June 1997. In order to allow time to complete the report by 25 June 1997, as requested in the resolution, my Special Envoy would need to leave New York not later than 14 June 1997.

11. In a reply dated 13 June 1997, the Chargé d'affaires a.i. of Israel stated that his Government believed that there had been no procedural or substantive justification for the convening of the emergency special session concerning the construction of a residential neighbourhood in Jerusalem. He reiterated that his country categorically rejected the one-sided resolution adopted at that session which he said stood in contradiction to the peace process and its principles. He repeated that the resolution did not require the Secretary-General to send an Envoy to the area, and that such a visit at that juncture could be detrimental to the efforts to renew the peace process and, in particular, the negotiations between Israel and the Palestinians. Notwithstanding the above, Israel had made a genuine effort to facilitate a visit by my representative, "asking only that such a visit should not be associated with the resolution and should only take place after the terms of reference for the visit had been agreed upon". Despite the effort of his Government, he added, it was understood from my letter of 10 June 1997 that I would not be able to send an Envoy on that basis.

12. In a further letter dated 19 June 1997, the Chargé d'affaires a.i. of Israel, in reference to the procedural aspects of the emergency special session of the General Assembly, indicated that: (a) the controversy over the building of a new neighbourhood in Jerusalem could not be considered, by any stretch of the imagination, a "threat to international peace and security"; (b) no determination had been made by the Security Council, during its two sessions on the subject, that the controversy constituted a "threat to international peace and security"; and (c) it should be noted that the procedure for the calling of an emergency special session had not been put into use for 15 years. It was particularly unsuited and discordant within the context of the Middle East peace process, which was based upon principles of bilateral dialogue, negotiation and mutual understanding.

13. With regard to resolution ES-10/2, the Israeli representative argued that:

(a) The peace process remained the only viable avenue for the solution of the problems in the Arab-Israeli conflict. The emergency special session was yet another manifestation of attempts to bypass the agreed-upon process of direct negotiations between the parties and to internationalize the conflict. These attempts had been futile in the past and would only serve to worsen the situation rather than resolve the differences;

(b) The construction at Har Homa did not, in any way, violate the agreements between Israel and the PLO. The project stemmed from the natural needs of a major urban area. The same applied as regards Israel's policy concerning settlements. There was no new policy in this regard - all that was being done was limited to providing for the natural growth of the population;

(c) The resolution singled out and blamed Israel for the difficulties which the peace process faced, while blatantly ignoring the obstacles posed by the Palestinian side to continued negotiations. Israel had fulfilled all of its commitments in accordance with the "note for the record" that was agreed upon at the time of the Hebron accord. The Palestinian side had not only failed in this regard by not amending the Palestinian National Charter, which it was committed to do, but also by refusing to fight terrorism. They had in fact taken steps which directly contradicted these commitments, and openly encouraged and enabled violence and terror;

(d) The General Assembly, in its resolution ES-10/2, had determined that the peace process was based, inter alia, on the principles of "land for peace". However, this "principle" was clearly not part of the basis of the process. It was not mentioned in the letter of invitation to the Madrid Conference, was not part of the terms of reference of the process and had not been included in any of the agreements signed within the Middle East peace process. Any attempt to change the agreed basis of the peace process without the consent of all of the parties concerned could have no effect and only served to undermine the process;

(e) The resolution, in referring to the restrictions on movement in the territories, ignored the fact that such measures, which were fully in accordance with the Israeli-Palestinian agreements, had been taken in the wake of ruthless terrorist action by Palestinians, and served to prevent their recurrence;

(f) The resolution rejected terrorism in all of its forms and manifestations. Terrorism brought not only pain and suffering to innocent civilians, but tore apart the very fabric of the peace process. It is imperative that the Palestinians live up to the solemn commitments they have made on many occasions and fight this scourge without reservation;

(g) In this context, Israel wished to draw my attention to the fact that countries such as the Libyan Arab Jamahiriya, the Islamic Republic of Iran and the Syrian Arab Republic still promoted international terrorism as a tool for advancing their agenda. The international community should take all necessary measures to combat this dangerous phenomenon;

(h) Finally, the Israeli letter stressed that the resolution called for measures "to ensure the freedom of religion and conscience of its (Jerusalem's) inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities". In fact, such measures had been fully implemented by Israel in Jerusalem, in marked contrast to the situation that prevailed prior to 1967.

14. Owing to the restrictions imposed on the scope of my Special Envoy's proposed mission by the Government of Israel (see para. 6 above), which were not acceptable to the United Nations, I regret that it has not been possible to

dispatch a Special Envoy to Israel and the occupied territories in conditions that would have enabled me to discharge the mandate entrusted to me by the General Assembly in a fully satisfactory manner. I am therefore basing the substantive portion of this report, which follows, on reliable sources available to the United Nations at Headquarters and in the field.

III. REPORT PREPARED PURSUANT TO PARAGRAPH 9 OF RESOLUTION ES-10/2

15. According to the information available to the United Nations, the Government of Israel, as of 20 June 1997, has not abandoned its construction of a new Israeli settlement at Jebel Abu Ghneim. Settlement activity, including the expansion of existing settlements, the construction of bypass roads, the confiscation of land adjacent to settlements and related activities in violation of Security Council resolutions on the matter, continued unabated throughout the occupied territories. The Abu Ghneim incident is nevertheless viewed as particularly serious for a number of reasons:

(a) Politically, the commencement of construction of a new Israeli settlement at Jebel Abu Ghneim on 18 March 1997 represents the first move to construct an entirely new settlement on occupied Palestinian lands since a freeze was imposed on such activities by the previous Israeli Government in the context of the peace process. Palestinians point out that such a move prejudices final status negotiations, during which the issue of Jerusalem and borders is to be determined. The settlement is seen as closing the door on what Palestinians unanimously expect to be the future capital of a Palestinian State - East Jerusalem;

(b) Geographically, Abu Ghneim represents the final link in a chain of settlements constructed by Israel around occupied East Jerusalem. Already existing links in the chain include the settlements of French Hill, Ramot, Pisgah Ze'ev, Neve Ya'cov, and Gilo. The closing of this chain is seen as a final step towards the isolation of Jerusalem from the rest of the West Bank and as part of the stated policy of the Government of Israel of fully incorporating occupied East Jerusalem as part of the "unified eternal capital of the State of Israel";

(c) Demographically, the establishment of this settlement would have a significant effect on further advancing the forced alteration of the religious and ethnic composition of occupied East Jerusalem. Projections indicate that the new settlement would result in the transfer of some 50,000 Jewish settlers from Israel into this predominantly Arab area of occupied East Jerusalem, further altering the demographic character of the city;

(d) Economically, the establishment of a settlement on this site is expected to have damaging effects on an already devastated Palestinian economy in the occupied territories. Without reference to the losses suffered by Palestinians, whose land has been acquired for the settlement, the broader Palestinian economy would feel the immediate effects of the resulting separation of the economic hub of East Jerusalem from the towns and agricultural areas of the rest of the West Bank;

(e) With regard to its effects on the peace process, and the confidence of the Palestinian people in that process, the refusal of the Government of Israel to abandon construction of a new settlement at Jebel Abu Ghneim appears to represent, in the view of the Palestinian people, the largest single negative factor in the breakdown of the peace process and the fomenting of unrest in the occupied territories. Through both words (public statements) and actions (continuing construction activity at Jebel Abu Ghneim) the Israeli Prime Minister, and other representatives of the Government continue to reject the terms of the resolution of the General Assembly requiring a cessation of those activities. Palestinian communities in the Gaza Strip and the West Bank, including Jerusalem, have responded with two months of public demonstrations and protest. Hundreds of Palestinians have been wounded during the clashes with the Israeli military forces, and a number of Palestinian deaths have been reported. Tensions continue to mount.

16. Prime Minister Netanyahu announced a promise to build 3,500 housing units for Palestinians in East Jerusalem at the same time as construction at Jebel Abu Ghneim proceeds. The housing units are not to be built at Jebel Abu Ghneim, but in 10 as yet unspecified neighbourhoods in Arab East Jerusalem. It was also not clarified whether the housing units would be government funded, or if only building permits would be issued. Since 1967, reportedly only 600 housing units for Palestinians have been built by the Government.

17. Israeli settlement expansion activities continued throughout the period under review in numerous locations throughout the occupied West Bank and Gaza Strip, including commencement of new settlements, expansion of existing settlements and construction of roads and other auxiliary sites adjacent to and between settlements. Expansion activities have been recorded in more than 30 existing settlement areas. Settlement road construction was under way at more than 10 sites.

18. Israel was widely reported during this period to have issued plans for the creation of new settler housing units in the West Bank and Gaza Strip. In May 1997 it was reported that 30,000 dunums of Palestinian land in the West Bank were expropriated by Israel in 1997 for the expansion of settlements. Significant portions of land have been seized for these purposes near Hebron, around Jerusalem and in the Jordan Valley. In the Gaza Strip, attempts by settlers to seize additional land adjacent to existing settlements at Gush Katif resulted in violent clashes involving Palestinian civilians, Israeli settlers and Israeli military personnel, resulting in a number of Palestinian injuries and at least one Palestinian death.

19. External support for settlements and their economic infrastructures continued during the period under review, including through private support from foreign companies and individuals. In one highly publicized incident in June of 1997, it was verified that a Days Inn Hotel, a franchise of a hotel company based in the United States of America (Days Inn of America, Inc.), had been opened and was operating in the Gush Katif settlement in the Gaza Strip.

20. The Government of Israel has implemented further measures which alter or purport to alter the character, legal status and demographic composition of Jerusalem. During the period under review, a number of administrative, legal

and other measures have been adopted by the State of Israel affecting the rights and status of Palestinian Jerusalemites. Among the most serious developments, hundreds of Palestinian Jerusalemites in 1997 received notice from the Israeli authorities that their residency rights had been revoked, and hundreds of Jerusalem identity cards - without which it is impossible to live in and often even to enter Jerusalem - have been confiscated. The loss of such permits results in a loss of rights to housing, health care, school access and freedom of movement into and around Jerusalem. The administrative practices in question apply only to non-Jews, i.e. mainly Palestinian Arabs in Jerusalem. Such decisions have been justified on the grounds of an Israeli determination that these people have "transferred their centre of life outside of Israel", based on periods of time spent outside of their home city, thereby treating Palestinian Jerusalemites as "resident immigrants", subject to discriminatory immigration controls. The practice, which reduces the Arab presence in Jerusalem, now threatens some 60,000 to 80,000 Palestinian Jerusalemites.

21. The Government of the State of Israel has not, as of 20 June 1997, accepted the de jure applicability of the fourth Geneva Convention of 1949 to all territories occupied since 1967. All other High Contracting Parties, as well as the International Committee of the Red Cross, have retained their consensus that the Convention does apply de jure to the occupied territories.

22. The realization of the principle of territorial integrity, as enunciated in the Oslo accords, has been frustrated during the period under review by Israeli restrictions on the movement of persons and goods between so-called A, B, and C areas of the West Bank, between Jerusalem and the rest of the West Bank, between the West Bank and the Gaza Strip, and between the occupied territories and the outside world. Safe passage arrangements have not been established, and arrangements for a Gaza seaport and airport have not been agreed upon. The Israeli policy of general closure, which has been in effect since 30 March 1993, imposes explicit restrictions on the mobility of goods and persons. There are fixed Israeli checkpoints on Palestinian roads, including key transport routes, and a system of differentiated mandatory permits for labourers, business people, medical personnel and patients, students, religious worshippers, and all other categories of Palestinians. Restrictions on entry to Jerusalem block access to the main north-south transportation route in the West Bank, necessitating lengthy and costly detours. This general closure has been aggravated by periodic comprehensive closures entailing the complete denial of such movements during a full 353 calendar days between 30 March 1993 and mid-June 1997. Since 21 March 1997, when a bomb attack in Tel Aviv, apparently carried out by Hamas, killed three Israeli women, such comprehensive closures have been imposed for a total of 24 days. Internal closure days, during which movement is not allowed even inside the West Bank (between A and B areas) totalled 27 days in 1996. Israeli restrictions on the movement of goods and personnel are also imposed on United Nations officials and project materials, resulting in delays and added costs for development projects in the West Bank and Gaza Strip and in serious disruption of the work of humanitarian agencies.

23. A number of further activities deemed to be in violation of international law continued to raise tensions and to jeopardize both the peace process and the rights of Palestinians in the occupied territories. Among these are the continued administrative detention of almost 300 Palestinians in Israeli jails,

held without charge or trial, of which 10 have been held for more than three years; 20 for between two and three years; and 20 for between one and one and a half years. In all, more than 3,000 Palestinians are said to remain in Israeli prisons. Palestinian detainees in Israeli custody continue to be subjected to torture and other mistreatment under security regulations officially endorsed by the High Court and the Government of Israel, in spite of recent condemnation by the Committee Against Torture. Israeli demolitions of Palestinian homes in Jerusalem and other parts of the occupied territories continued.

24. The 6 March Israeli decision to limit the long-delayed second redeployment to only 9 per cent of the West Bank, with 7 per cent of that a redeployment from area B to area A, rather than from area C to area A, has further aggravated the situation. Further evidence of the deteriorating political and security situation included punitive house demolitions, curfews, transfer of Bedouin population and unlicensed house demolitions.

25. There was also a marked increase in Palestinian violence against Israeli civilians, settlers and military personnel, as well as Palestinian military operations against Palestinian civilians during the reporting period. Two Israeli women hikers, found dead in Wadi Kelt, near Jericho, on 25 April, also appear to have been victims of a terrorist attack, though no Palestinian organization claimed responsibility for the killings. Two bombs detonated in the Gaza Strip on 1 April under unclear circumstances, killing the two suicide bombers and injuring six persons. While not carried out by a Palestinian, the 13 March killing of seven Israeli school girls by a Jordanian soldier stationed in the Jordan Valley contributed to Israeli security concerns.

26. The reporting period witnessed an increase in violent incidents involving settlers, within the overall context of the deteriorating security situation. A number of incidents of settlers attacking Palestinians, often but not always in response to stone-throwing, were reported, as were destruction of property, attacks against livestock and attacks against agricultural land. The majority of the incidents took place in the Hebron area. There also were sporadic incidents of settler violence in the Gaza Strip.

IV. REPLIES FROM MEMBER STATES

27. As of 23 June 1997, replies to my note verbale had been received from the following 11 countries: Australia, Colombia, the Democratic People's Republic of Korea, Egypt, Japan, jordan, the Netherlands, Norway, the Russian Federation, Saudi Arabia and Tunisia. They are substantially reproduced below.

Australia

[Original: English]

1. The Permanent Representative of Australia notes that Australia abstained on resolution ES-10/2, both because the Government did not consider it would take forward the process of seeking peace in the Middle East and because we did not

regard use of resolution 377 A (V), the uniting for peace resolution, as appropriate in the circumstances.

2. Australia has made clear its concern about Israel's decision to build on Har Homa/Jebel Abu Ghneim. We regard the decision to be inconsistent with Security Council resolutions on the Middle East and unhelpful because it complicates the process of achieving a peaceful settlement. We have consistently urged both sides to the dispute to avoid actions that jeopardize the peace process.

3. Australia continues to be deeply concerned about the situation in the Middle East and the absence of trust and confidence necessary for successful resumption of the peace negotiations. We again urge both sides urgently to commit themselves to honour the obligations they have made and to the search for a peaceful resolution of their differences.

Colombia

[Original: Spanish]

The Permanent Representative of Colombia informs the Secretary-General that his Government has implemented General Assembly resolution ES-10/2.

Democratic People's Republic of Korea

[Original: English]

1. The Government of the Democratic People's Republic of Korea has officially expressed its denunciation of the attempts on the part of Israel to build new Jewish settlements in East Jerusalem. At the same time, the Minister for Foreign Affairs of the Democratic People's Republic of Korea sent a letter of solidarity to the Council of the League of Arab States in support of its decision on the question of East Jerusalem.

2. I would like to take this opportunity to reiterate my Government's consistent position of support for the struggle of Arab peoples, including the Palestinian people, to ensure lasting peace and security in the Middle East.

Egypt

[Original: English]

1. The construction of Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, is illegal and contravenes international law.

2. Resolution ES-10/2 reflects the continuous refusal and condemnation of the international community of the settlement policy pursued by Israel in the Occupied Palestinian Territory, including Jerusalem, and the other occupied Arab territories. This policy undermines the peace in the Middle East and is in

clear violation of the relevant rules of international law, the Geneva Convention, as well as the relevant Security Council and General Assembly resolutions on the matter.

3. Egypt favours an active role of the Secretary-General in the follow-up of the said resolution. We believe that, in order to be able to present a comprehensive report on the matter to the General Assembly in accordance with paragraph 9 of the resolution, it will be of paramount importance for a senior United Nations official to pay a visit to the occupied territories, including Jerusalem, to gather all relevant and necessary information on the illegal Israeli settlement activities in these territories, including the settlement project in Jebel Abu Ghneim.

Japan

[Original: English]

The Government of Japan respects resolution ES-10/2 and has endeavoured to revive the Middle East peace process by taking every opportunity to urge the parties concerned to make progress in the peace process. Some of Japan's recent efforts are as follows:

1. Prime Minister Ryutaro Hashimoto and Minister for Foreign Affairs Yukihiko Ikeda, in their respective meetings with the visiting Israeli Foreign Minister, Mr. David Levy, on 27 February 1997, expressed Japan's deep regret concerning the decision of the Government of Israel to construct housing in the Har Homa, or Jebel Abu Ghneim area of East Jerusalem.

2. Following the commencement of construction work by the Israeli Government in the Har Homa, or Jebel Abu Ghneim area of East Jerusalem, and the terrorist bombing in Tel Aviv, the Deputy Minister for Foreign Affairs conveyed Prime Minister Hashimoto's message to the Prime Minister of Israel and the President of the Palestinian Authority, urging that every effort should be made in order to salvage the peace process.

3. On 21 March 1997, the Government of Japan decided to extend emergency grant aid totalling 11 million dollars to assist the Palestinians, who are facing deteriorating economic conditions as a result of the closure of the West Bank and Gaza Strip by the Government of Israel.

Jordan

[Original: English]

1. In resolution ES-10/2, the international community has again condemned Israel's illegal actions in the Palestinian and the other Arab territories that it occupies by military force and that it subjugates through inhumane practices. The resolution, in essence, also calls on Israel to respect its own moral and legal obligations as a State Member of the United Nations and as an occupying power.

2. In view of the clarity of the resolution, and in view of the mandate given to the Secretary-General in paragraph 9 of the resolution, Jordan believes that the Secretary-General's involvement in and oversight of the situation in the occupied territories remain central to the overall drive to a peaceful and comprehensive resolution to the Israeli-Palestinian conflict and to the situation in the Middle East. In this vein, Jordan is of the view that the door is wide open for the Secretary-General to exercise the powers vested in his offices towards the implementation of the resolution in its entirety, in order to allow the peace talks to resume in the hope that the process will achieve the desired results of realizing the comprehensive and permanent peace in the region of the Middle East.

Netherlands

[Original: English]

The Permanent Representative of the Kingdom of the Netherlands in his capacity as representative of the Presidency of the European Union, submitted the following reply:

The European Union strongly disapproves of construction activities as undertaken by Israel to build a new settlement on the West Bank in Jebel Abu Ghneim/Har Homa. It reiterates that all settlement activities in the occupied territories contravene international law and are a major obstacle to peace. Settlement activities in territories under occupation by Israel constitute a violation of the Fourth Geneva Convention. These territories are not under Israeli sovereignty, and the European Union considers acquisition by force inadmissible. It has taken note with concern that construction in Jebel Abu Ghneim/Har Homa continues and that Israel has not yet complied with calls for its immediate suspension.

Norway

[Original: English]

Norway remains gravely concerned about Israeli settlement activities on the West Bank, including East Jerusalem. Such unilateral acts change the facts on the ground and threaten a very fragile peace process. Its Government has raised this issue with the Government of Israel on numerous occasions, underlining the need to stop any further settlement activities while final status negotiations are under way. Norway deeply regrets that Israel has not heeded calls from its partner in peace, from neighbouring States and from the international community to stop the construction on Jebel Abu Ghneim. Norway has repeatedly called on both sides to show restraint and to resume as soon as possible negotiations on outstanding issues and final status.

Russian Federation

[Original: Russian]

1. The Russian Federation reaffirms its support for resolution ES-10/2. It has repeatedly stated its official view that Israel's settlement activities in the occupied territories are illegal from the standpoint of international law and hinder the normal progress of the Middle East peace process. The renewed construction of settlements runs counter to the Palestinian-Israeli agreements barring changes in the status of the Occupied Palestinian Territory prior to the conclusion of negotiations.

2. As a co-sponsor the peace process, the Russian Federation conveyed its opinion on the problem of Jebel Abu Ghneim to the Government of Israel, endeavouring to help to solve it in order to bring about the resumption of and progress in the Palestinian-Israeli negotiations. The Russian side intends to pursue active efforts to promote a normalized atmosphere in the context of a Middle East settlement and to create the conditions for revitalizing the peace process in all areas.

Saudi Arabia

[Original: English]

1. The Permanent Representative would first like to reiterate Saudi Arabia's position on this matter, as already stated at the tenth emergency special session of the General Assembly on 24 April 1997. Saudi Arabia continues to believe strongly that a just and balanced peace in the Middle East is an integral part of international peace and security.

2. Regrettably, the Government of Israel continues blatantly to violate the provisions of the Madrid Peace Conference and the Oslo accords with its persistence in proceeding with construction of settlements at Jebel Abu Ghneim in the Holy City of Jerusalem, as well as other parts of the Occupied Palestinian Territory. Its disregard for a just peace in the Middle East is evident from its recent policies, including its decision to proceed with illegal construction of settlements within 24 hours of the adoption of resolution ES-10/2 by the international community, which "demands immediate and full cessation of the construction in Jebel Abu Ghneim". To day, this illegal activity has not ceased.

3. The Government of Israel must be persuaded to respect fully its commitments under the Madrid Peace Conference and the Oslo agreement so that a genuine and just peace can be secured in the Middle East.

Tunisia

[Original: French]

1. The Permanent Representative of Tunisia wishes first of all to emphasize Tunisia's indestructible attachment to the international legal order and its respect for the spirit and letter of United Nations resolutions on the question of Palestine, particularly the provisions of General Assembly resolution ES-10/2.

2. Whereas the Oslo, Washington and Cairo accords raised hopeful prospects for a just and lasting peaceful solution leading to the establishment of an independent Palestinian State with Jerusalem as its capital, the new Israeli Government has embarked on a policy of colonization of the occupied Palestinian territories with the aim of creating situations of fait accompli on the ground. Despite the condemnation of such practices by the international community, it is regrettable to observe that Israel is continuing to pursue the construction of settlements in Jebel Abu Ghneim, East Jerusalem and the rest of the Occupied Palestinian Territory, in defiance of the provisions of General Assembly resolution ES-10/2 and the relevant provisions of the Fourth Geneva Convention of 12 August 1949, which prohibits making changes of a geographical nature in territories under foreign occupation.

3. Every effort should be made, therefore, to compel the Government of Israel to abide by the commitments which it made in the framework of the Madrid Conference and the Oslo accords and to comply with the international legal order with a view to the establishment of a just, comprehensive and lasting peace in the Middle East.

V. REPLY FROM THE OBSERVER MISSION OF PALESTINE

28. The Permanent Observer of Palestine to the United Nations conveyed the following remarks.

(a) The Permanent Observer of Palestine emphasizes the importance of the tenth emergency special session, which was held to consider the illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory in the wake of the failure of the Security Council twice to adopt a resolution on those actions as a result of the negative vote of a permanent member of the Council;

(b) The Permanent Observer of Palestine emphasizes also the importance of resolution ES-10/2, overwhelmingly adopted by Member States of the United Nations. The resolution contains, inter alia, recommendations for collective measures to be taken by the members, in accordance with General Assembly resolution 377 A (V) of 3 November 1950 and reaffirms the established positions of the United Nations on illegal Israeli settlements and the question of the city of Jerusalem;

(c) The Permanent Observer of Palestine stresses the importance of the full implementation of resolution ES-10/2 by Member States, in particular operative paragraphs 7 and 8. With regard to operative paragraph 7, while there is no known Member State providing assistance to illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, the activities of private groups in some Member States to that effect and the issue of the fungibility of money raise concerns that should be addressed;

(d) Operative paragraph 8 of resolution ES-10/2 stresses the obligation of the High Contracting Parties to the Fourth Geneva Convention, under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention. It is accordingly expected that specific actions will be taken in this regard by the High Contracting Parties on a national as well as a regional level;

(e) Resolution ES-10/2 demands immediate and full cessation of the construction of Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem. It is unfortunate to note that Israel, the occupying Power, has not heeded this demand and in fact it continues with such illegal measures and actions;

(f) Resolution ES-10/2 stresses the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods in the Territory, including the removal of restrictions into and from East Jerusalem, and the freedom of movement to and from the outside world. It is also unfortunate to note that Israel, the occupying Power, continues to violate the territorial integrity of the Palestinian territory and continues to impose all kinds of restrictions on the freedom of movement of persons and goods;

(g) Resolution ES-10/2 requests the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory. It is important to stress the necessity for the report to cover fully the issues specified in the mandate given to the Secretary-General;

(h) It would be useful, during the process of preparation of the report of the Secretary-General to have a special representative of the Secretary-General visit the area to gain first-hand experience, especially with regard to illegal Israeli actions and measures related to Jerusalem and illegal Israeli settlements throughout the Occupied Palestinian Territory. In any case, however, the United Nations is believed to have broad experience and information, available through several agencies and United Nations bodies, on the actual situation on the ground;

(i) The efforts of the membership during the tenth emergency special session and the efforts of the Secretary-General are indeed valuable in the attempt to salvage the Middle East peace process, which is being very seriously threatened by the Israeli failure to comply with the will of the international

community, international law and the provisions of resolution ES-10/2, in addition to its serious violations of the agreements reached between the Palestine Liberation Organization and the Government of Israel in the framework of the Middle East peace process;

(j) Resolution ES-10/2 makes it clear that the tenth emergency special session adjourned temporarily and can be resumed to consider the report of the Secretary-General and, in case of Israeli non-compliance, to follow up the resulting serious situation in the Occupied Palestinian Territory and the Middle East as a whole. In such a case, the tenth emergency special session can consider making further recommendations within the framework of Chapters VI and VII of the Charter of the United Nations.

The Permanent Observer of Palestine stresses that international law should be upheld and the will of the international community must be heeded and no State should be allowed to behave otherwise.